

Remarks

This Amendment is in response to the Office Action dated **February 6, 2009**.

Rejections

35 U.S.C. §112

Claims 5, 6, 24 and 36 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is asserted in the Office Action that “[e]ach of the claims refer to “said torque” without clarifying if the torque is the torque of the balloon or the torque of the inner shaft.”

Claims 5 and 24 have been amended to refer to the torque in the balloon. See claim 36 which already refers to the torque in the balloon member. No amendment was made to claim 36.

Claim 6 already refers to the torque in the inner shaft. No amendment was necessary for claim 6.

Applicants respectfully request withdrawal of the rejection of claims 5, 6, 24 and 36 under 35 U.S.C. §112, second paragraph.

Claim Objections

In the Office Action, claim 2 is objected to because “... the wording of the claim: “with a catheter assembly said inner shaft” and “said balloon is secured to” is confusing.” Office Action, pp. 2-3. Claim 2 has been amended as suggested on pp. 2-3 of the Office action.

In the Office Action, claim 35 is objected to because “ .. the wording of the claim: “wherein said balloon having a torque” is confusing.” Office Action, p. 3, no. 2.

Claim 35 has been amended.

Withdrawal of these objections is respectfully requested.

Allowable Subject Matter

In the Office Action claims 7, 26 and 38 are objected to as being dependent upon a rejected base claim, but are allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In order to expedite prosecution, Applicants have amended the independent claims (in the manner recited below) to include the subject matter of those dependent claims indicated as containing allowable subject matter by the Office. Applicants believe however that the original claims are allowable as well. As such Applicants reserve the right to prosecute the subject matter of the original claims in one or more subsequent continuation applications.

Applicants have amended claim 1 to incorporate the limitations of claims 5-7. Claim 22 has been amended to incorporate the limitations of claims 23-26. Independent claim 33 has been amended to incorporate the limitations of claims 34-38. Independent claim 52 has been amended accordingly.

CONCLUSION

Claims 1, 2, 4, 8-22, 27-33 and 39-52 are pending in the application. Applicant has addressed each of the issues presented in the Office Action. The claims are now in condition for allowance. Reconsideration and an early allowance of the claims as presented is respectfully requested. Should any issues remain, the attorney of record may be reached at (952)563-3011 to further expedite prosecution of this application.

Respectfully submitted,

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Date: April 29, 2009

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